UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,664	09/08/2003	Hung-Shan Wei		2004

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EXAMINER
HAIDER, FAWAAD

ART UNIT	PAPER NUMBER
3627	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 June 2008</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12</u> is/are pending in the application.

    4a) Of the above claim(s) <u>12</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>9/8/03</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1.   Claims 9-11 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876). The process steps in claims (9-11) are not tied to another statutory class nor do they execute a transformation. Thus, they are non-statutory.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was

made.

3.   Claims 1, 2, 6, 8, 9, and 11 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jenkins et al (2002/0188499) in view of Crampton et al

(2003/0177050).

Re Claims 1, 9: Jenkins et al discloses wherein: the priority calculating module is

used to determine calculated priorities of manufacturing orders in accordance with data

on the manufacturing orders (see [0270, 0272, 0280]); the priority revising module is

used to revise priorities of manufacturing orders to requirements of customers (see

[0179]); and the document updating module is used to update priority data stored in a

database server according to data generated by the priority calculating module and the

priority revising module (see [0027, 0078]). However, Jenkins fails to disclose the

sorting module. Meanwhile, Crampton et al discloses the sorting module is used to

display manufacturing orders in selected sequences for users (see [0115, 0117, 0144]).

From the teaching of Crampton, it would have been obvious to one of ordinary skill in

the art at the time of the invention to modify Jenkins' invention with Crampton's sorting

module in order to "allow for modeling order groups and sorting criteria in such a way

that the highest priority orders get processed first (see Crampton [0115])."

Re Claim 2: Jenkins discloses wherein the priority calculating module, the priority

revising module, the sorting module and the document updating module are comprised

in an application server (see [0057]).

Re Claim 6: Crampton discloses wherein selectable sequences for displaying manufacturing orders comprise sequences according to a designated priority, a calculated priority, a scheduled manufacturing starting time, and a scheduled manufacturing completion time (see [0115, 0117, 0144]). From the teaching of Crampton, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jenkins' invention with Crampton's sorting module in order to "allow for modeling order groups and sorting criteria in such a way that the highest priority orders get processed first (see Crampton [0115])."

Re Claim 8: Jenkins discloses wherein the calculated priority is determined using the formula: Calculated priority=(scheduled manufacturing completion time--current date)/(scheduled manufacturing completion time--scheduled manufacturing starting time) (see [0270, 0272, 0280]).

Re Claim 11: Jenkins discloses wherein the determining step relates to a scheduled manufacturing starting time and a scheduled manufacturing completion time of the manufacturing order (see [0040]).

3.   Claims 3-5, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins et al (2002/0188499) in view of Crampton et al (2003/0177050) and further in view of Drolet et al (2002/0147622).

Re Claims 3-5, 7, 10. Drolet discloses further comprising a database connecting module which connects the priority calculating module, the priority revising module, the sorting module and the document updating module with a master list of manufacturing orders and detailed records of manufacturing orders, which are comprised in a

database server. Drolet also discloses wherein the database server comprises a

database management module for managing the master list of manufacturing orders

and the detailed records of manufacturing orders. Finally, Drolet discloses wherein the

document updating module updates data stored in the master list of manufacturing

orders and the detailed records of manufacturing orders in accordance with

implementation results of the priority calculating module and the priority revising module

(see [0049, 0053, 0142]). From the teaching of Drolet, it would have been obvious to

one of ordinary skill in the art at the time of the invention to modify Jenkins and

Crampton with Drolet's use of a master list in order to "monitor critical supply chain

parameters (see Drolet Abstract)."

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Storch et al (5,920,846) discloses a method and system for

processing a service request relating to installation, maintenance, or repair of

telecommunications services provided to a customer premises. Lilly et al (6,088,626)

discloses a method and apparatus for scheduling work orders in a manufacturing

process. Fisher et al (6,092,189) discloses a channel configuration program server

architecture. Huang et al (6,151,582) discloses a decision support system for the

management of an agile supply chain. Barts et al (2002/0082893) discloses a delivery

system and method for vehicles and the like. Kall et al (2003/0149608) discloses a suite

of configurable supply chain infrastructure modules for deploying collaborative e-

manufacturing solutions. Mikurak (7,124,101) discloses asset tracking in a network-

based supply chain environment. Scheer (7,324,966) discloses a method for fulfilling an

order in an integrated supply chain management system.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Fawaad Haider whose telephone number is 571-272-

7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/   /Fawaad Haider/

Supervisory Patent Examiner, Art Unit 3627   Examiner

Art Unit 3627

FIH